

## **REMARKS**

The Office Action mailed November 10, 2003 has been carefully considered.

Appended hereto is a request for a one month extension of time and the accompanying fee. Also enclosed is a check in the amount of \$86.00 for the fee for two additional independent claims. The USPTO is authorized to charge deposit account no. 23 0785 for any additional fees necessitated by this amendment.

All of the rejected claims (16-19, 21-23 and 25) have been finally rejected over a newly cited reference, alone or in combination with other references. The Examiner has deemed that Applicant's amendment necessitated the new ground(s) of rejection. It is respectfully submitted that the making of the Office Action final was premature. Applicant did not amend the claims in a manner that materially changed the issues or prompted a new search. Accordingly applicant respectfully requests the withdrawal of the finality of the pending Office Action.

Claims 16, 17 and 19 are rejected under 35 USC 102(e) as being anticipated by Honkawa et al. Claims 18, 22, 23 and 25 are rejected under 35 USC § 103(a) as being unpatentable over Honkawa et al. Claim 21 has been deemed unpatentable further in view of Tatum et al. For reasons discussed below, it is respectfully submitted that these claims are patentable over Honkawa et al.

Applicant acknowledges with much appreciation the indication that claims 20, 24, and 26-27 would be allowable if rewritten in independent forms. Claims 20 and 24 have been presented in independent form and are therefore in condition for allowance. New claim 28 includes the limitation from cancelled claim 26 and therefore should be in condition for allowance.

Honkawa et al. discloses a "floral kit" comprising a ceramic or plastic flower holder 18, a therein received floral foam block 14, a bent wire support 12 holding a CD box 16 and a floral arrangement 20 received in said foam block 14. Further, a toy figure 24 is added. The bent wire support is bent in a special way in order to hold the CD box by clamping on the one hand and on the other hand in order to provide two separated hooked support legs 32 to be inserted into the floral foam block 14 (e. g. column 5, lines

10 to 20). The support legs 32 are parallel to each other but separated by a distance of approximately a quarter of the width of the CD box (Fig. 5) in order to locate a portion of the foam between the hook shaped ends of the legs to prevent a rotation of the legs with respect to the foam block.

In view thereof, it should be noted as follows:

- a) the bouquet of flowers does not include the support but is arranged separately therefrom and held independently therefrom within the same foam block;
- b) there is only one rod having two ends which are not bundled – neither circularly nor else wise – but are separated from each other; and
- c) the support is not integrated within the bouquet and clasped within the bundle of floral stems.

Instead of this, a bouquet of flowers is arranged beside a support for a non-floral item, the support not comprising any bundled rods.

Therefore, the subject matter of claims 16 and 23 as well as new claim 26 is novel. It can not be seen why it would be obvious from Honkawa et al. to arrive at this subject matter. Namely, it is not obvious to integrate the support within the bouquet and clasp it in the bundle of floral stems because the bouquet is much smaller in this prior art than the support is and the bundle of floral stems would not be sufficient to receive legs 32 of the support. Further, Honkawa et al. teaches the opposite of bundling the rods (being a prerequisite for integrating and clasping in the bundle of floral stems) because the distance between the legs is used to inhibit rotations of the support. Consequently, the subject matter of the independent claims is novel and patentable.

With respect to claim 18, it can not be understood why bright or refined steel wire shall be obvious from a contradicting statement of Honkawa et al. with regard to the material.

With regard to claim 19, there is no fastener in the teaching of Honkawa et al. being used for fastening the CD box to the support. If the bent upper structure of the support should be called a fastener (integrated in the support), then there is at least no fastener in which a supporting rod is inserted.

With regard to claim 21, the examiner has cited Tatum et al. (US-Patent 4,281,211) that is said to have rendered obvious the subject matter of claim 21. Beside the fact that there is no technical connection between both references (Tatum referring to a woven jacket assembly for electrical transmission cables), it is quite clear from Honkawa et al. that adhesives shall not be used, compare column 1, lines 39 to 42, column 2, lines 1 to 5, column 5, lines 57 to 59.

With regard to claim 22, since a fastener is not obvious from Honkawa et al. (or only a fastener integrated into the support), a polyethylene fastener can not be obvious, consequently.

With regard to claim 25, Honkawa et al. teaches to introduce an already prepared bouquet of flowers into the foam block. Thus, the support is not held in a stand during configuring the floral arrangement but the floral arrangement is configured before and independently therefrom.

A further difference between the claimed invention and Honkawa et al. is that the invention includes a plurality of supporting rods. In the preferred embodiment, there are seven such rods. Reference is also made to paragraph 25 of the description making some comments on the number of rods. Claims 16 and 24 define "at least three" supporting rods, which is clearly not shown or taught by Honkawa et al.

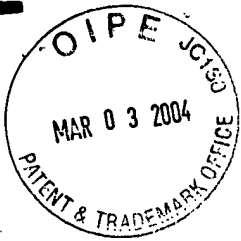
In view of the above, it is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

Date: 2.27.04

  
Joel E. Siegel, Reg. No. 25,440

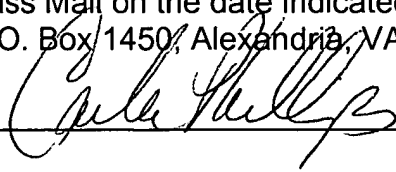
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CERTIFICATE OF MAILING

I hereby certify that this RESPONSE AND AMENDMENT and any other documents referred to as enclosed herein, is being deposited with the United States Postal Service, Via First Class U.S. First Class Mail on the date indicated below and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 2.27.04

  
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